

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

VALERIE H.,

Claimant,

vs.

GOLDEN GATE REGIONAL CENTER,

Service Agency.

OAH No. 2009110014

DECISION

This appeal was scheduled for hearing before Administrative Law Judge Mary-Margaret Anderson, Office of Administrative Hearings, State of California, on December 9, 2009, in San Francisco, California.

Lisa Rosene, LCSW, Chief of Social Work Services, appeared on behalf of Golden Gate Regional Center (GGRC).

There was no appearance by, or on behalf of, Claimant Valerie H.

The record closed on December 9, 2009.

FACTUAL FINDINGS

1. Julie H. is Claimant Valerie H.'s mother and authorized representative. Julie H. executed a request for a fair hearing on behalf of Claimant, which she filed with GGRC on October 22, 2009. On the request it is indicated that Julie H. would not be available for a hearing November 15 through December 8, 2009.

2. The fair hearing request appeals RCEB's decision to reduce Claimant's respite hours because of a change in the law. (Welf. & Inst. Code, § 4500 et seq.)

3. A hearing on Claimant's appeal was noticed for December 9, 2009. The Notice of Hearing advises that requests for continuances be directed to the Office of Administrative Hearings and states the procedure for making such a request.

4. Neither Claimant nor anyone appearing on her behalf attended the hearing on December 9, 2009. No evidence in support of the appeal was therefore presented or considered.

5. GGRC staff reported at the hearing that two telephone messages from Julie H. were left with GGRC social workers concerning illness, but the messages were somewhat conflicting in content. No request for a continuance was received by the Office of Administrative Hearings.

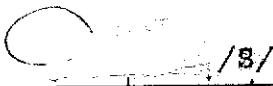
LEGAL CONCLUSIONS

Claimant's representative requested a hearing to appeal GGRC's decision to reduce respite care funding. A hearing date was set on a date she identified as available. Although GGRC social work staff reported receiving messages concerning illness, no request for a continuance was received by the Office of Administrative Hearings. Accordingly, the failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of the request for a due process hearing, and provides cause to dismiss the appeal.

ORDER

The appeal of Claimant Valerie H. is dismissed.

DATED: December 16, 2009

 /s/
MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Judicial review of this decision may be sought in a court of competent jurisdiction within ninety (90) days.